

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JEFFREY HOUGHTALING,

Plaintiff,

-vs-

**NOTICE OF MOTION**

**20-CV-6168**

DOWNES, et al.,

Defendants.

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**PLEASE TAKE NOTICE** that upon the pleadings in this action, all prior proceedings, the Attorney's Declaration, and the accompanying Memorandum of Law, the remaining defendants, Downes and Pestillo (collectively herein, "Defendants"), move this Court, pursuant to Fed. R. Civ. P. 16(f), 37(b)(2), (c), and 41(b), for an Order dismissing this action and ordering Plaintiff to pay Defendants' attorney's fees, as well as such other and further relief as this Court may deem just and proper.

This Motion is submitted on the papers. No oral argument is requested. Defendants reserve the right to file reply papers.

Dated: July 11, 2023  
Rochester, New York

LETITIA JAMES  
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Attorney for Defendants

s/ Heather L. McKay  
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### CERTIFICATE OF SERVICE

I certify that on July 11, 2023, I electronically filed the foregoing Notice of Motion with the Clerk of the District Court using CM/ECF system, which sent notification of such filing to the following:

1. n/a

And, I hereby certify that I have mailed, by the United States Postal Service, a copy of the document to the following non-CM/ECF participant(s):

1. Jeffrey Houghtaling  
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